

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D56718

C/htr

_____AD3d_____

Submitted - August 22, 2018

MARK C. DILLON, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON
ANGELA G. IANNACCI, JJ.

2016-08269

DECISION & ORDER

The People, etc., respondent,
v Laron Johnson, appellant.

(S.C.I. No. 1656/15)

Paul Skip Laisure, New York, NY (Leila Hull of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnette Traill, and Roni C. Piplani of counsel; Victoria Randall on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Suzanne Melendez, J.), imposed July 15, 2016, upon his plea of guilty, on the ground that the sentence was excessive.

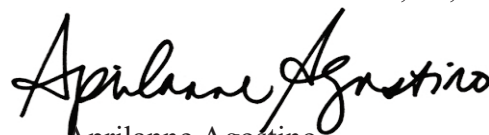
ORDERED that the sentence is affirmed.

The defendant's purported waiver of his right to appeal was invalid because the Supreme Court's colloquy conflated the right to appeal with the rights that are automatically forfeited on a plea of guilty (*see People v Ortizcora*, 163 AD3d 1001; *People v Resnick*, 159 AD3d 724; *see generally People v Bradshaw*, 18 NY3d 257, 264). Thus, the waiver does not preclude appellate review of the defendant's excessive sentence claim.

However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

DILLON, J.P., SGROI, HINDS-RADIX, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 3, 2018

PEOPLE v JOHNSON, LARON